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PUNJAB VIDHAN SABHA SECRETARIAT

NOTIFICATION

The 20th June, 2023

No. 11-PLA-2023/36.-The Punjab Affiliated Colleges (Security of Service) Amendment Bill, 2023 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

BILL NO. 11-PLA-2023

THE PUNJAB AFFILIATED COLLEGES (SECURITY OF SERVICE) AMENDMENT BILL, 2023

A

BILL

further to amend the Punjab Affiliated Colleges (Security of Service) Act, 1974 with a view to streamline the working of the Educational Tribunal and to bring the provisions regarding thereto, in conformity with the provisions governing the working of the Central or State Administrative Tribunals.

BE it enacted by the Legislature of the State of Punjab in the Seventy-fourth year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Affiliated Colleges (Security of Service) Amendment Act, 2023. Short title and commencement.

(2009)

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment in section 7-A of Punjab Act No. 23 of 1974. 2. In the Punjab Affiliated Colleges (Security of Service) Act, 1974, (hereinafter referred to as principal Act), in section 7-A,-
(a) for sub-section (7), the following sub-section shall be substituted, namely:-

"(7) (i) If a vacancy, other than on account of temporary absence, occurs in the office of the chairman or a member, the State Government shall appoint another person in accordance with provisions of this section to fill the vacancy.

(ii) Subject to the provisions of sub-section (15), the Chairman and at least one other member or in the case of the vacancy in the office of Chairman, two members shall constitute proper quorum of the Educational Tribunal:

Provided that if the office of the Chairman is vacant otherwise than on account of a temporary vacancy, the member appointed under sub-section (3) read with sub-section (5), shall exercise the powers of the Chairman during the period of such vacancy.

(iii) No proceedings of the Educational Tribunal shall be invalid merely on account of a vacancy in the office of the Chairman or a member.";

(b) in sub-section (11), for the words, signs and figures "Code of Civil Procedure, 1908.", the words, signs and figures "Code of Civil Procedure, 1908, including the power of review of its own order." shall be substituted;

(c) for sub-section (13) the following sub-section shall be substituted, namely:-

"(13) Subject to the power of review of its own orders, the orders of the Educational Tribunal shall be final."; and

(d) for sub-section (14), the following sub-section shall be substituted, namely:-

"(14) (i) Where any amount is due from any person under an order made by the Educational Tribunal, the person entitled to the amount may make an application to the Educational Tribunal and the Educational Tribunal may order the bank account of the person from whom such amount is recoverable to be attached and direct the concerned bank to stop all payments out of the bank account so attached.

(ii) If the person from whom the amount is due or recoverable fails or omits to make the payment of the dues to the person entitled to receive

such amount within three months from the date of attachment, the Educational Tribunal may direct the bank to deposit the amount due out of the balance available in the bank account attached under clause (i) to be paid to the party entitled thereto and on deposit of such amount the attachment shall stand vacated.

(iii) If the Educational Tribunal deems it not practicable or convenient to recover the amount, due from a person, under the clauses (i) and (ii), it may issue a certificate for the said amount to the Collector of the district and the Collector shall proceed to recover the amount in the same manner as arrears of land revenue.

(15) (i) Notwithstanding anything contained in this section, the Chairman may constitute Benches consisting of the Chairman and one member or of two members to be called Double Benches or of a Chairman or of a member to be called Single Benches, and assign or reassign or transfer between Benches such cases or class or classes of cases, to such benches by passing general or special orders and such Benches shall exercise jurisdiction, powers and authority of the Educational Tribunal.

(ii) The quorum of the Full Bench of the Educational Tribunal shall be regulated in terms of sub-section (7).

(iii) If at any stage of the hearing of a case or matter a Single Bench deems fit and makes a reference to the Chairman that the case or matter is of such a nature that it ought to be heard by the Full Bench or another Single Bench, the Chairman may transfer such case or matter to such other Single Bench or Full Bench as the Chairman may deem fit.

(iv) If a case is transferred from one Bench to another Bench, proceedings before such other bench shall continue from the stage at which they are received."

3. In the principal Act, after section 7-C, the following section shall be inserted, namely:-

"7-D. The Educational Tribunal shall have, and exercise, the same jurisdiction, powers to punish for contempt. powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971 (70 of 1971), shall have effect subject to the modification that the references therein to a High Court shall be construed as including a reference to the Educational Tribunal." Insertion of new section 7-D in Punjab Act No. 23 of 1974.

STATEMENT OF OBJECTS AND REASONS

1. The Punjab Affiliated Colleges (Security of Service), Act 1974 was enacted by the State Government with the objective to provide security of service to the employees of the government aided private colleges. The Punjab Educational Tribunal has been constituted under The Punjab Affiliated Colleges (Security of Service) Act, 1974 and has jurisdiction over the disputes between the employees and managements of the privately managed affiliated colleges. It has been felt that the Punjab Educational Tribunal needs to be vested with more powers to make it an effective body for resolving disputes between the management and employees of Private Aided Colleges and Schools, by providing it more powers to implement its decisions. The Punjab Affiliated Colleges (Security of Service) Act, 1974 which is the governing statute of the 'Punjab Educational Tribunal' contains no provision for punishment of contempt. The absence of contempt powers puts the employees of the affiliated colleges covered under the 1974 act and the privately managed recognised schools covered under the 1979 act at a distinct disadvantage vis-a-vis those covered under 'The Administrative Tribunals Act, 1985.
2. The Punjab Educational Tribunal as per The Punjab Affiliated Colleges (Security of Service) amendment Act 2007, is a multi-member body and consists of a chairman and two members. However, the Act doesn't provide for the quorum of the Punjab Educational Tribunal. Thus, the position regarding quorum is ambiguous, which needs to be clarified.
3. Further, the Punjab Educational Tribunal functions as a full body and therefore absence of any member impacts the working of the Tribunal causing delay in the decision of cases and inconvenience to the litigants. Therefore, there is a need to provide for constitution of benches within the Tribunal so that disposal of cases filed before it can be expedited.
4. It is therefore, expedient to provide for the enactment of the "Amendment in the provisions of the Punjab Affiliated Colleges (Security of Service), Act 1974 related to the Punjab Educational Tribunal".

HARJOT SINGH BAINS

Higher Education & Languages, Minister, Punjab.

CHANDIGARH:

THE 20th JUNE, 2023

RAM LOK KHATANA,

SECRETARY.